

COMMITTEE REPORT

Planning Committee on
Item No
Case Number

10 August, 2016
16/0629

SITE INFORMATION

RECEIVED: 12 February, 2016

WARD: Queensbury

PLANNING AREA: Brent Connects Kingsbury & Kenton

LOCATION: 234 -238 Princes Avenue, London, NW9 9QU

PROPOSAL: Erection of two storey 3 terraced dwellinghouses (3 x 4 bedroom) with a basement level, in rear gardens of Nos. 234 to 238 Princes Avenue with vehicular and pedestrian access from Princes Close and associated front and rear lightwells, car and cycle parking, bin stores and landscaping

APPLICANT: HERMITAGE DEVELOPMENT AND CONSTRUCTION LTD.

CONTACT: Loren Design Ltd

PLAN NO'S: Please see condition 2.

LINK TO DOCUMENTS ASSOCIATED TO THIS APPLICATION

When viewing this on an Electronic Device

Please click on the link below to view **ALL** document associated to case

https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=DCAPR_126549

When viewing this as an Hard Copy .

Please use the following steps

1. Please go to pa.brent.gov.uk
2. Select Planning and conduct a search tying "16/0629" (i.e. Case Reference) into the search Box
3. Click on "View Documents" tab

SITE MAP



Planning Committee Map

Site address: 234 -238 Princes Avenue, London, NW9 9QU

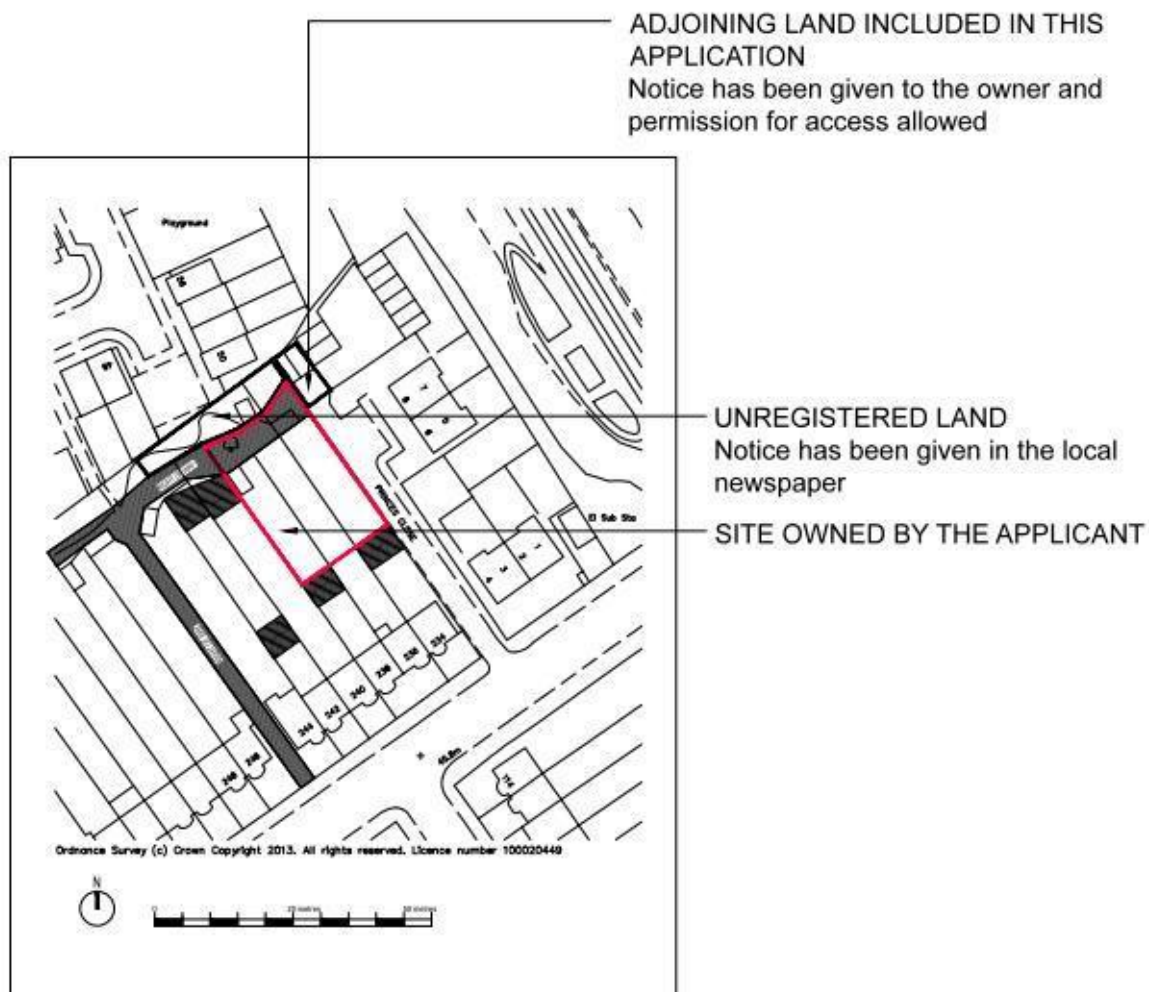
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This map is indicative only.

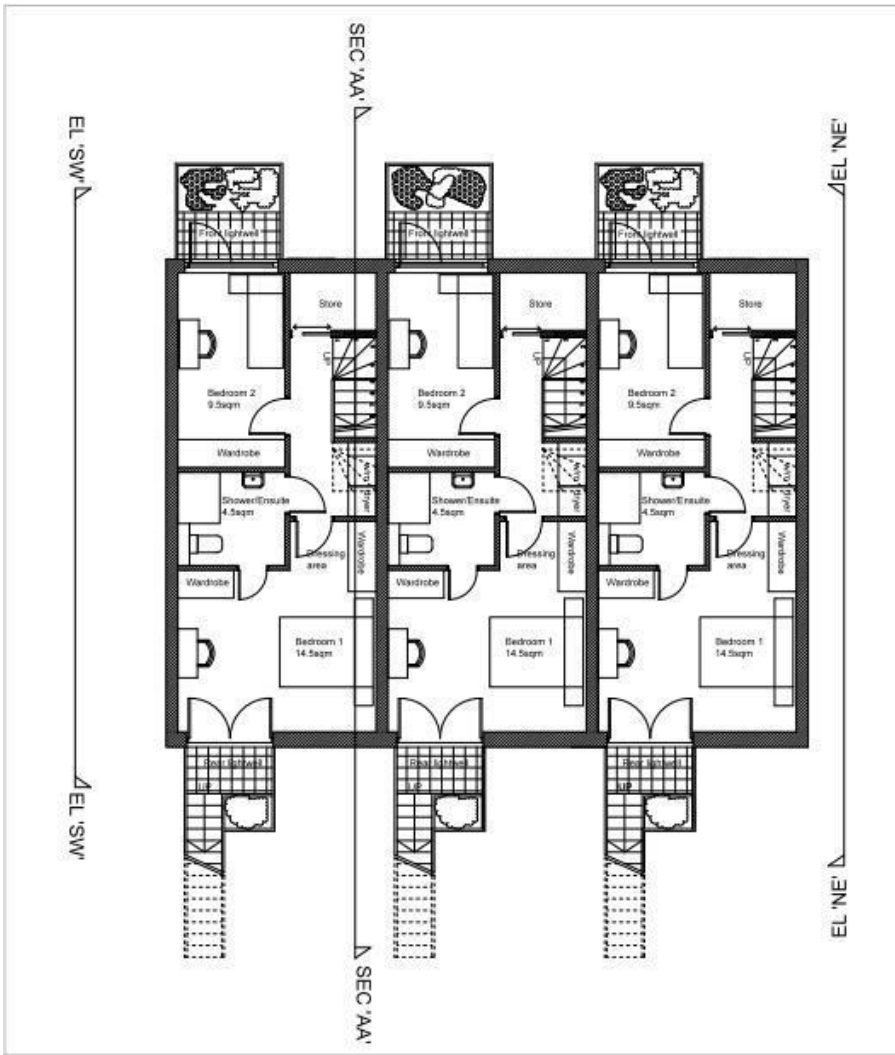
SELECTED SITE PLANS

SELECTED SITE PLANS

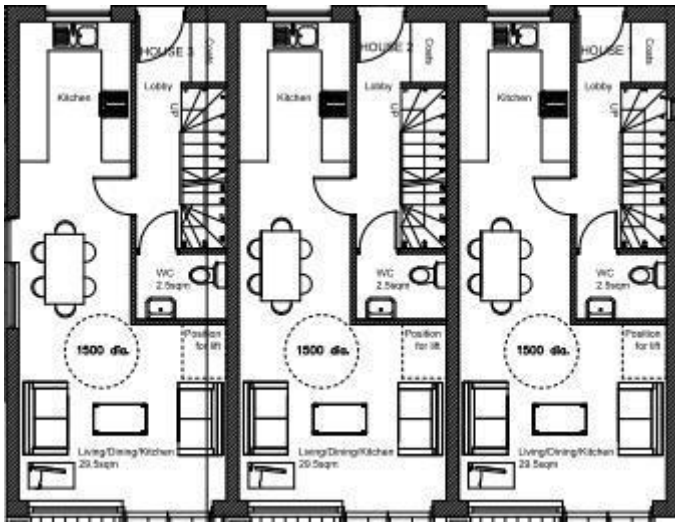


SITE

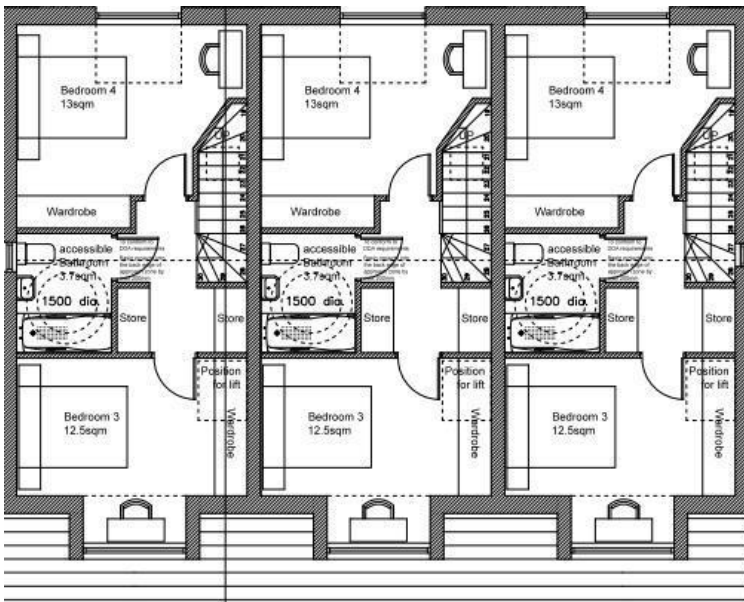
LOCATION PLAN



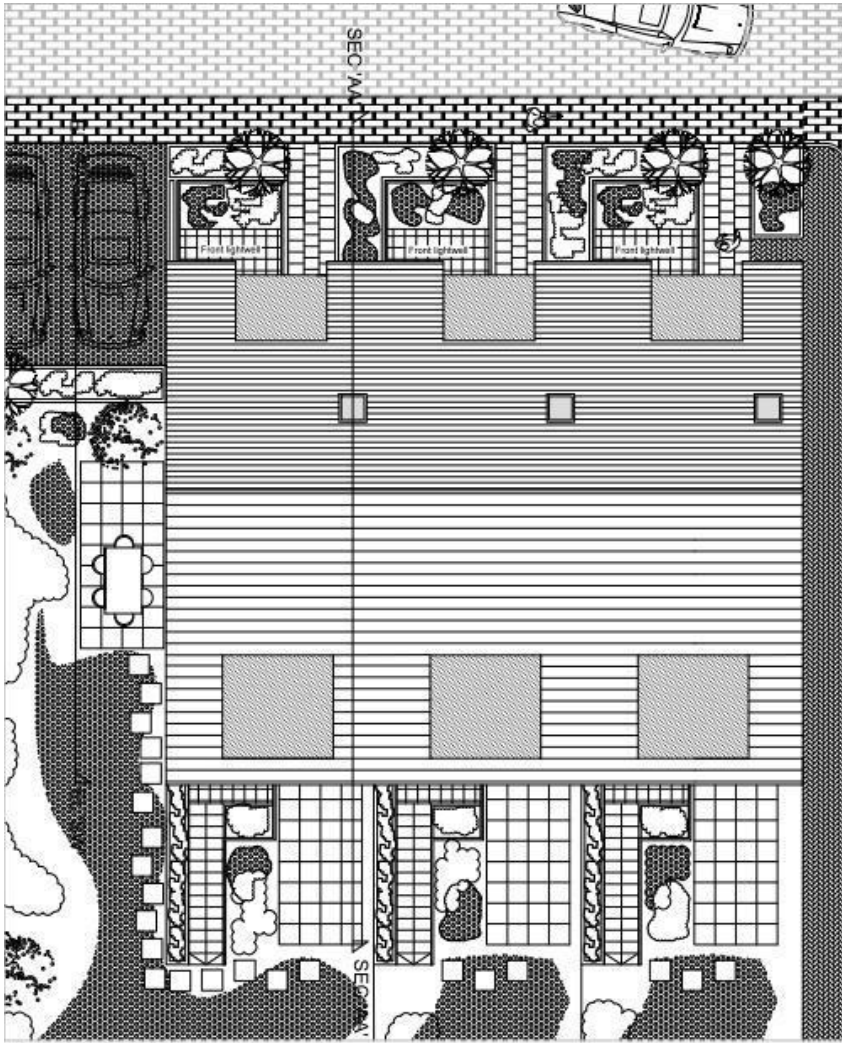
BASEMENT PLANS



GROUND FLOOR PLANS



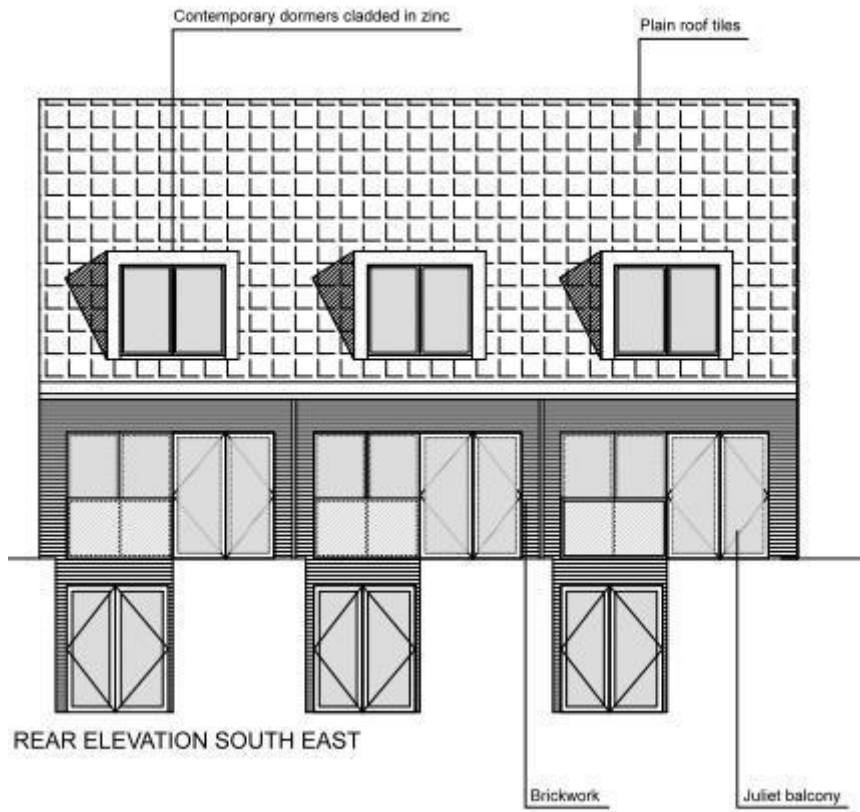
FIRST FLOOR PLANS



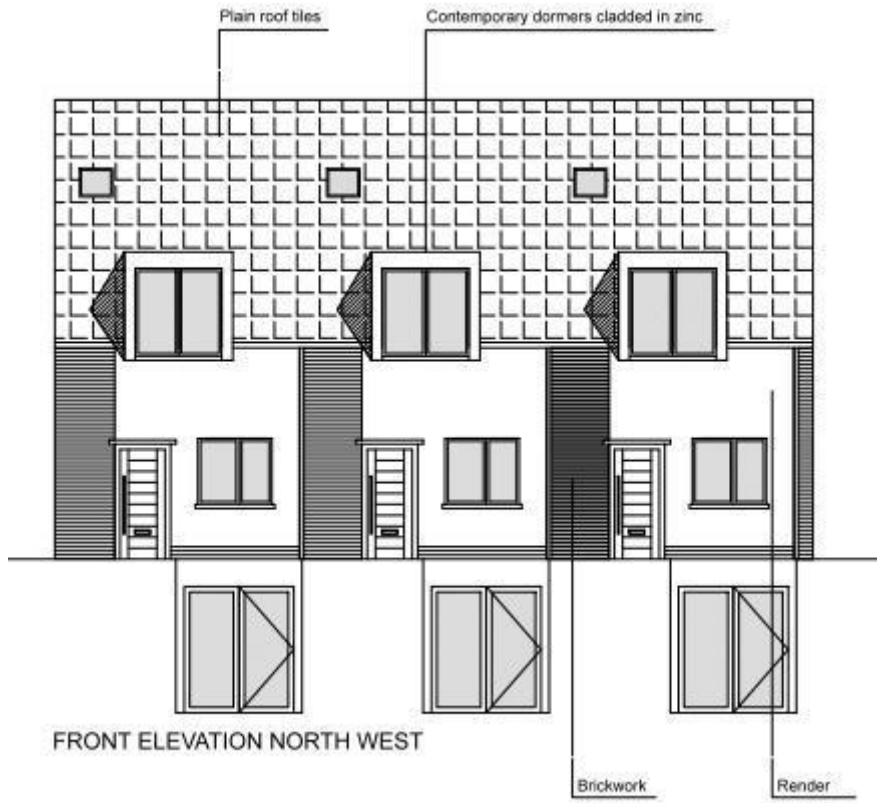
ROOF PLANS



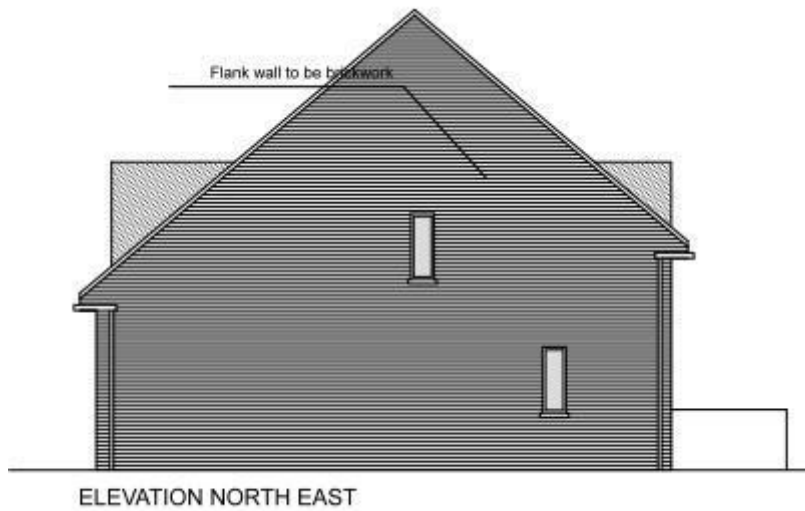
Rear Elevation



Front Elevation

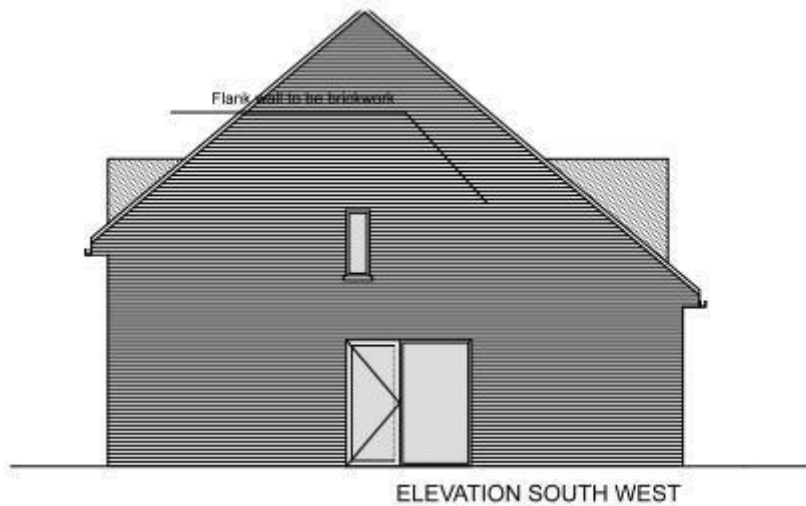


Side Elevation



Side Elevation

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RECOMMENDATIONS

1. That the Committee resolve to GRANT planning permission.
2. That the Head of Planning is delegated authority to issue the planning permission and impose conditions and informatives to secure the following matters:

Conditions

1. Time Limit (3 Years)
2. Approved drawings / documents
3. Materials – supply details
4. Considerate constructors scheme
5. Sound insulation – levels
6. Landscape Plan
7. Provision of parking, cycle parking, refuse storage and access

Informatives

1. Party Wall
3. That the Head of Planning is delegated authority to make changes to the wording of the committee's decision (such as to delete, vary or add conditions, informatives, planning obligations or reasons for the decision) prior to the decision being actioned, provided that the Head of Planning is satisfied that any such changes could not reasonably be regarded as deviating from the overall principle of the decision reached by the committee nor that such change(s) could reasonably have led to a different decision having been reached by the committee.
4. That the Committee confirms that adequate provision has been made, by the imposition of conditions, for the preservation or planting of trees as required by Section 197 of the Town and Country Planning Act 1990.

A) PROPOSAL

The application seeks planning permission for the erection of three, two storey terraced dwellinghouses (3 x 4 bedroom) with a basement level, in rear gardens of Nos. 234 to 238 Princes Avenue with vehicular and pedestrian access from Princes Close and associated front and rear lightwells, car and cycle parking, bin stores and landscaping

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B) EXISTING

The application site is located on backland in between the rear gardens of 234, 236 and 238 Princes Avenue and properties along Rose Bates Drive. The site would be accessed from Princes Close.

C) AMENDMENTS SINCE SUBMISSION

None.

D) SUMMARY OF KEY ISSUES

The key issues for consideration are as follows

- Appeal decision: The decision on the previous planning appeal is a material consideration in the determination of this application. The Inspector disagreed with three of the four reasons for refusal, citing on the impacts on the living conditions of No. 240 with particular regard to outlook. The recommendation for this application has regard to this decision.
- Principle: Although the development would alter the pattern of development in the immediate vicinity, this would not cause unacceptable harm to the character and appearance of the area. The principle of development is therefore considered to be acceptable.
- Character and appearance: The proposal is considered to have a high quality design that has regard to the character of its surroundings and does not inappropriately challenge or dominate surrounding development.
- Standard of accommodation: The living conditions of future occupiers of the development would be acceptable
- Impact on neighbouring amenity: This previous reason of refusal has been addressed by the removal of one of the dwellings. The relationship between the proposed dwellings and all surrounding properties is considered to be acceptable.
- Parking & servicing: It is considered that the modest amount of traffic that would be generated by the development would not undermine highway safety

E) MONITORING

The table(s) below indicate the existing and proposed uses at the site and their respective floorspace and a breakdown of any dwellings proposed at the site.

Floorspace Breakdown

| Primary Use | Existing | Retained | Lost | New | Net Gain (sqm) |
|-----------------|----------|----------|------|-----|----------------|
| Dwelling houses | 0 | 0 | 0 | 357 | 357 |

Monitoring Residential Breakdown

| Description | 1Bed | 2Bed | 3Bed | 4Bed | 5Bed | 6Bed | 7Bed | 8Bed | Unk | Total |
|---------------------|------|------|------|------|------|------|------|------|-----|-------|
| EXISTING (Houses) | | | | | | | | | | |
| PROPOSED (Houses) | | | | 3 | | | | | | 3 |

RELEVANT SITE HISTORY

15/0566 - Erection of two storey 4 terraced dwellinghouses (4 x 4 bedroom) with a basement level, in rear gardens of Nos. 234 to 238 Princes Avenue with vehicular and pedestrian access from Princes Close and associated car and cycle parking, bin stores and landscaping. **Refused. Appealed (under ref: APP/T5150/W/15/3082065) and dismissed.**

14/3675 - Erection of 4 terraced dwellinghouses (2 x 4 bedroom and 2 x 3) bedroom in rear gardens of No.'s 234, 236 and 238 Princes Avenue with vehicular and pedestrian access from Princes Close with associated

car and cycle parking, bin stores and landscaping. **Withdrawn.**

CONSULTATIONS

The owner/occupier of 25 nearby and surrounding properties were notified of the application 11th March 2016.

Three representations and one petition containing 6 signatures were received objecting to the proposal on the following grounds:

| Objection | Response |
|---|--|
| The proposal will result in additional parking and traffic pressures. This would cause problems for emergency and service vehicles and pose danger to children and residents. | This is discussed in paragraphs 7.1 to 7. of the Detailed Considerations element of the report. |
| Proposal will effect existing parking provision and servicing within the locality | This is discussed in paragraphs 7.1 to 7.7 of the Detailed Considerations element of the report. |
| Proposed development by reason of its siting, bulk and size is incongruous and is contrary to local Policies | This is discussed in paragraphs 4.1 to 4.8 of the Detailed Considerations element of the report. |

Transportation

The application should be resisted in its current form.

This is discussed in the Details Considerations element of this report.

Landscape

The current proposal differs significantly from that which was dismissed at appeal

This is discussed in the Details Considerations element of this report.

Environmental Health

Raised no objections subject to a condition relating to sound insulation being attached to any consent.

POLICY CONSIDERATIONS

National Planning Policy Framework 2012

The London Plan Consolidated with alterations since 2011

- 3.3 Increasing Housing Supply
- 3.5 Quality and design of housing developments
- 5.3 Sustainable Design and Construction
- 7.4 Local Character
- 7.5 Public Realm
- 7.6 Architecture

Mayor's Housing Supplementary Planning Guidance

Brent Core Strategy – July 2010

- CP2 – Population and Housing Growth
- CP17 – Protecting & Enhancing the Suburban Character of Brent
- CP21 – A Balanced Housing Stock

Brent UDP 2004

- BE2 – Townscape: Local Context & Character
- BE6 – Landscape Design
- BE7 – Public Realm: Street scene
- BE9 – Architectural Quality
- EP2 - Noise and Vibration
- H12 – Residential Quality Layout Considerations
- H15 - Backland development
- TRN 3 - Environmental Impact of Traffic
- TRN 11 - London Cycle Network

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Supplementary Planning Guides

SPG17 – Design Guide for New Development

DETAILED CONSIDERATIONS

1. Background

1.1 The site originally formed part of the rear gardens of properties 234, 236 and 238 Princes Avenue. It is located in between Princes Avenue and Rose Bates Drive.

1.2 The planning history for the site is outlined in the relevant section above. The most recent application (15/0566) was dismissed at appeal on 11 January 2016. The scheme has been redesigned following that decision as the applicant has sought to address the reason for refusal.

1.3 The initial decision notice issued by the Council included four reasons of refusal. Following the assessment of the Planning Inspector, the appeal decision notice included one reason of refusal which was as follows:

“The development would therefore unacceptably harm the living conditions of the occupiers of No 240 with particular regards to outlook. This would conflict with policy BE9 of the Brent Unitary Development Plan (the UDP) which states that new development should provide a satisfactory level of outlook for existing residents. It would also conflict with guidance in the Council’s Supplementary Planning Guidance - Design Guide for New Developments (SPG17).”

1.4 All other matters raised by the Council were considered acceptable by the Planning Inspector.

1.5 The appeal decision is a material planning consideration and the Local Planning Authority must take in to account the findings of the Planning Inspector when assessing a subsequent application.

2. Proposal

2.1 Each dwelling would have four bedrooms and be two storeys with a basement level, with capacity for 8 persons. Two bedrooms are proposed at basement level with two more at first floor level.

2.2 Externally, each dwellinghouse would have a lightwell at the front and rear that would serve the basements. A single dormer is also proposed in each roofslope (front and back) of each dwellinghouse. A single rooflight is proposed in the front roofslope of each dwellinghouse.

2.3 The roof form of the properties would be gabled with a ridge height of 8.39 m. Each property would have a depth of 10.5 m and width of 4.65 m.

2.4 Each property would have a modest forecourt area. Communal parking is proposed opposite the properties, where refuse and cycle storage would also be provided.

2.5 Direct access to the rear gardens would be provided from both the ground floor and basement levels.

2.6 The majority of the proposal remains the same as the previous scheme; however, the number of units has been reduced from four to three in order to address the impact of the proposal on the occupiers of No. 240 Princes Avenue.

3. Principle of Development

3.1 Residential rear gardens do not fall within the definition of Previously Developed Land. This policy position came into force in June 2010, where Local Planning Authorities were required to have regard to this new policy position in preparing development plans and, where relevant, to take it into account as a material consideration when determining planning applications. In the case of Brent, the adopted Core Strategy sets out the chosen local strategy as one of directing new housing to the identified growth areas (policy CP1, CP2) and to protect and enhance the suburban character of Brent (policy CP17). This policy position is reinforced in Paragraph 53 of the NPPF which states that local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example, where development

would cause harm to the local area.

3.2 Previously officers considered the principle of the redevelopment of this land to be inappropriate and contrary to Policy, however, following the appeal decision in which the Inspector found that *“although the development would alter the pattern of development in the immediate vicinity..... this would not cause unacceptable harm to the character and appearance of the area. The proposal would thus accord with policy CP17 of the CS and policies BE2, BE7, BE9 and H15 of the UDP insofar as they seek high quality design that has regard to the character of its surroundings and does not inappropriately challenge or dominate surrounding development”*. The principle of the development of the application site is considered to be acceptable in this instance.

4. Character and appearance

4.1 The National Planning Policy Framework advises that housing applications should be considered in the context of the presumption in favour of sustainable development. Chapter 7 under the heading ‘Requiring Good Design’ states that development should respond to local character and reflect the identity of local surroundings.

4.2 The requirements of National Policy are further enforced by saved policies BE2 and H12 of the Brent Unitary Development Plan 2004. Saved Policy BE2 states that development should take account of the need to respect or improve the quality of existing urban spaces, townscape or historical features which contribute favourably to the character of the area.

4.3 The area is characterised by rows of terrace properties occupying rectangular plots which front onto the local road network. There is an area of newer development to the north that is markedly different to the settlement pattern of the wider area.

4.4 The appeal site comprises part of the rear gardens of Nos 234, 236 and 238, the dimensions of which are significantly larger than that which prevails in the locality. They are not therefore the typical suburban gardens found in the locality.

4.5 The Planning Inspector found that *“Although the orientation of the proposed dwellings to the cul-de-sac would be different, their overall relationship to the houses fronting Princes Avenue would not be dissimilar to that which currently exists on the east side of Princes Close where properties are sited to the rear of properties that front onto Princes Avenue. I accept the proposed dwellings would be positioned side-on and present a largely blank elevation to Princes Close. However, there is nothing unusual about this type of arrangement and I noted a similar example on Rose Bates Drive to the north of the appeal site.”*

4.6 The general layout and approach to the siting of the properties remains the same within this current proposal and is therefore considered to be acceptable.

4.7 The overall design, layout and finish of the proposed dwellings remains the same as within the previous proposal and are therefore considered to be acceptable within this application. Accommodation will be provided over three floors including a basement level; consequently the dwellings would be two-storeys in height. The majority of the dwellings would be screened by the existing frontage development along Princes Avenue. The dwellings would not therefore be unduly prominent or visually obtrusive.

4.8 The appeal decision concluded that although the development would alter the pattern of development in the immediate vicinity *“this would not cause unacceptable harm to the character and appearance of the area”*. There is no reason for a different view to be formed in this instance and it is considered that the proposal would accord with policy CP17 of the Core Strategy and policies BE2, BE7, BE9 and H15 of the UDP. The proposal is considered to have a high quality design that has regard to the character of its surroundings and does not inappropriately challenge or dominate surrounding development.

5. Standard of accommodation for future occupants

5.1 The Planning Inspector concluded that *“the living conditions of future occupiers of the development with particular regards to outlook from basement level bedrooms would be acceptable. Consequently, the proposal would accord with UDP policy BE9 and guidance in SPG17.”*

5.2 The layout of the three units proposed remains the same as within the previous scheme and is therefore considered to be acceptable.

6. **Impact of the proposed development on neighbouring occupiers**

6.1 Within the previous application the south-west gable wall of the development extended right up to the boundary with No 240 Princes Avenue. Consequently it appeared as a large, featureless and bland expanse of masonry up to the boundary, when viewed from the rear garden of No 240. This would have resulted in a significantly detrimental impact on the outlook currently enjoyed by the occupiers of that property and would have been overbearing. Additionally the proposal failed to comply with the 45 degree guidance set out within SPG17 which looks to ensure that new development is not overbearing or visually obtrusive to residential gardens.

6.2 In order to address this reason of refusal the applicant has removed the fourth dwelling from the proposal and reduced the scheme to three. This has created an open area within the application site adjacent to the common boundary with No. 240. The proposal now complies with the Council's 45 degree guidance and results in an appropriate degree of separation between the boundary and the proposed building. This results in a much more neighbourly form of development and it is considered that the previous reason for refusal has been satisfactorily addressed.

6.3 The relationship between the proposed dwellings and all other surrounding properties was considered to be acceptable by the Council and the Planning Inspector within the previous consent. There is no reason for a different view to be formed in this instance and the proposal is acceptable on these grounds. The proposal complies with policy BE9 and guidance in SPG17.

7. **Highways**

7.1 The layout of the proposed parking, access and servicing for the development within the current application is the same as within the previous application. The Council refused the previous scheme on the grounds that the lack of any confirmed right of access over the unregistered land to the rear of the properties to provide the proposed parking spaces, combined with the absence of any turning head at the end of Princes Close and the absence of a satisfactory footway into the site, meant that the applicant had failed to demonstrate that the site can be safely accessed by vehicles and pedestrians, to the detriment of highway safety.

7.2 Transportation officers took the same approach to the current proposal as the previous scheme. Within the Planning Inspectors decision, which as set out above is a material planning consideration, the Inspector formed a different view on these matters as set out below:

"...there is no legal requirement for the appellant to offer the road for adoption and the development is wholly within the site boundary as depicted by the red line on the location plan. Furthermore, it is undisputed that the relevant legal notices have been served. Accordingly, I am satisfied that the correct procedures have been followed and that the subsequent delivery of any scheme would be a private matter to be resolved between the parties at the appropriate time."

7.3 This approach has therefore been adopted for this current application. This is also the case for the other issues raised by transportation officers.

7.4 With regard to the other points raised, it is accepted that Princes Close has a substandard width which results in poor turning provision, however, these are existing problems and it is not the applicants responsibility to address these issues. Within the documentation submitted it is forecast that the development would generate a maximum of 3 additional peak-hour trips which is considered to be reasonable for a development of this size.

7.5 Currently refuse vehicles have to reverse down Princes Close as there is nowhere to turn. It is not considered that the development would materially increase either the frequency or length of these manoeuvres and therefore would not result in any material impact.

7.6 The development would make satisfactory provision for off-street parking within the site and therefore it would not exacerbate existing levels of on-street parking as a result.

7.7 To conclude it is now considered that the modest amount of traffic that would be generated by the development would not undermine highway safety and therefore it is concluded that the proposal would not have a detrimental impact on highway safety. It would thus accord with policies TRN10, TRN11, TRN23 and TRN34 of the UDP and can be supported in this instance.

8. Conclusion

8.1 The proposed development is considered to have satisfactorily addressed the previous reason for refusal set out by the Planning Inspector. The scheme is of an appropriate siting and design, would have an acceptable relationship with surrounding properties, would not undermine highway safety and is consequently recommended for approval subject to the conditions set out in the decision notice.

CIL DETAILS

This application is liable to pay **£102,687.07*** under the Community Infrastructure Levy (CIL).

We calculated this figure from the following information:

Total amount of eligible** floorspace which on completion is to be demolished (E): sq. m.

Total amount of floorspace on completion (G): 357 sq. m.

| Use | Floorspace on completion (Gr) | Eligible* retained floorspace (Kr) | Net area chargeable at rate R (A) | Rate R: Brent multiplier used | Rate R: Mayoral multiplier used | Brent sub-total | Mayoral sub-total |
|-----------------|-------------------------------|------------------------------------|-----------------------------------|-------------------------------|---------------------------------|-----------------|-------------------|
| Dwelling houses | 357 | | 357 | £200.00 | £35.15 | £87,337.50 | £15,349.57 |

| | | |
|--|------------|------------|
| BCIS figure for year in which the charging schedule took effect (Ic) | 224 | 224 |
| BCIS figure for year in which the planning permission was granted (Ip) | 274 | |
| Total chargeable amount | £87,337.50 | £15,349.57 |

*All figures are calculated using the formula under Regulation 40(6) and all figures are subject to index linking as per Regulation 40(5). The index linking will be reviewed when a Demand Notice is issued.

****Eligible** means the building contains a part that has been in lawful use for a continuous period of at least six months within the period of three years ending on the day planning permission first permits the chargeable development.

Please Note : CIL liability is calculated at the time at which planning permission first permits development. As such, the CIL liability specified within this report is based on current levels of indexation and is provided for indicative purposes only. It also does not take account of development that may benefit from relief, such as Affordable Housing.



Brent

DRAFT NOTICE

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

DECISION NOTICE – APPROVAL

Application No: 16/0629

To: Mr Loren
Loren Design Ltd
Unit 9 51 Derbyshire street
Bethnal Green
Greater London
E2 6JQ

I refer to your application dated 12/02/2016 proposing the following:
Erection of two storey 3 terraced dwellinghouses (3 x 4 bedroom) with a basement level, in rear gardens of Nos. 234 to 238 Princes Avenue with vehicular and pedestrian access from Princes Close and associated front and rear lightwells, car and cycle parking, bin stores and landscaping and accompanied by plans or documents listed here:
Please see condition 2.

at 234 -238 Princes Avenue, London, NW9 9QU

The Council of the London Borough of Brent, the Local Planning Authority, hereby GRANT permission for the reasons and subject to the conditions set out on the attached Schedule B.

Date:

Signature:

A handwritten signature in black ink, appearing to read 'Aktar Choudhury'.

Mr Aktar Choudhury
Operational Director, Regeneration

Notes

1. Your attention is drawn to Schedule A of this notice which sets out the rights of applicants who are aggrieved by the decisions of the Local Planning Authority.
2. This decision does not purport to convey any approval or consent which may be required under the Building Regulations or under any enactment other than the Town and Country Planning Act 1990.

DnStdG

SUMMARY OF REASONS FOR APPROVAL

- 1 The proposed development is in general accordance with policies contained in the:-

National Planning Policy Framework 2012
London Plan 2011
Wembley Area Action Plan Jan 2015
Brent Local Development Framework Core Strategy 2010
Brent Unitary Development Plan 2004
Council's Supplementary Planning Guidance

- 1 The development to which this permission relates must be begun not later than the expiration of three years beginning on the date of this permission.

Reason: To conform with the requirements of Section 91 of the Town and Country Planning Act 1990.

- 2 The development hereby permitted shall be carried out in accordance with the following approved drawing(s) and/or document(s):

LP 100
PL 102 B
PL 200 B
PL 201 B
PL 100 B
PL 101 B
SP/01 B
TS 01

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3 Prior to the commencement of the development a Construction Method Statement shall be submitted to and approved by the Local Planning Authority outlining measures that will be taken to control dust, noise and other environmental impacts of the development. The development shall be constructed in accordance with the approved statement.

Reason: To safeguard the amenity of the neighbours by minimising impacts of the development that would otherwise give rise to nuisance.

- 4 The development hereby approved shall not be occupied unless the car parking spaces, cycle parking spaces, refuse storage and the accesses within the site and to and from the adopted highway (both vehicular and pedestrian) detailed within the drawings and documents hereby approved have been implemented in full accordance with the approved drawings and details and are available for use for the residents of the development. Thereafter, they shall be retained and maintained for the life of the development and they shall be used solely for purposes ancillary to the houses hereby approved, and the parking spaces shall be allocated at a minimum of 2 parking spaces per dwelling.

Reason: In the interest of highway flow and safety, and the amenities of future occupiers.

- 5 Details of materials for all external work, including samples which shall be made available for viewing on site or in an agreed location, shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory development which does not prejudice the amenity of the locality.

Prior to the commencement of development (excluding any demolition, site clearance and the laying of foundations), details shall be submitted to and approved in writing demonstrating that the development will be designed in accordance with BS8233:2014 'Guidance on sound insulation and noise reduction for buildings' to attain the following noise levels:

| Time | Area | Maximum noise level |
|-----------------------------------|---------------------------|---|
| Daytime Noise 07:00 – 23:00 | Living rooms and bedrooms | 35 dB LAeq (16hr) |
| Night time Noise 23:00 – 07:00 | Bedrooms | 30 dB LAeq (8hr) 45 dB L _{Amax} |

The development shall be constructed in accordance with the approved details.

Reason: To obtain required sound insulation and prevent noise nuisance

6

- 7 A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the units hereby approved. The approved scheme shall be completed in full prior to first occupation of the development hereby approved and thereafter retained for the life of the development.

The landscaping scheme shall include:

- Details of plants, including species, size and density/number;
- Details of trees to be removed and retained;
- Proposed walls and fencing, indicating materials and heights;
- Materials used for the hard landscaping
- Screen planting along all boundaries.
- Adequate physical separation, such as protective walls and/or fencing, between landscaped and paved areas.
- Any contouring and any alteration of the ground levels;

Any trees and shrubs planted or to be retained in accordance with the landscaping scheme which, within 5 years of planting are removed, dying, seriously damaged or become diseased shall be replaced in similar positions by trees and shrubs of similar species and size to those originally planted unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure a satisfactory standard of appearance and setting for the development and to ensure that the proposed development enhances the visual amenity of the locality in the interests of the amenities of the occupants of the development and to provide tree planting in pursuance of section 197 of the Town and Country Planning Act 1990.

INFORMATIVES

- 1 The provisions of The Party Wall etc. Act 1996 may be applicable and relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. An explanatory booklet setting out your obligations can be obtained from the Communities and Local Government website www.communities.gov.uk

Any person wishing to inspect the above papers should contact Andrew Neidhardt, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 1902